

## **IC 20-10.1-5.5**

### **Chapter 5.5. Bilingual-Bicultural Instruction**

## **IC 20-10.1-5.5-1**

### **Definitions**

Sec. 1. As used in this chapter:

"Bilingual-bicultural instruction" means the use of written and spoken English and a non-English language to teach students. It includes instruction in the history and culture of both the United States and the homeland of the non-English language.

"Bilingual-bicultural program" means a course of bilingual-bicultural instruction for non-English dominant students, designed to meet the students' language skill needs as soon as possible.

"Division" means the division of migrant bilingual-bicultural education of the department of education.

"Non-English dominant students" means children who have difficulty performing in classes conducted solely in English because:

- (1) their native tongue is not English;
- (2) the language most often spoken by the students is not English; or
- (3) the language most often spoken in the students' homes is not English.

"Parent" means the parent, guardian, or custodian of any student.

"Teacher of bilingual-bicultural instruction" means a teacher proficient in both English and a non-English language, certified to teach a subject, including the history and culture of both the United States and the homeland of the non-English language.

*As added by Acts 1976, P.L.104, SEC.1. Amended by P.L.20-1984, SEC.113.*

## **IC 20-10.1-5.5-1.5**

### **Policy of state**

Sec. 1.5. It is the policy of the state to provide bilingual-bicultural programs for all qualified students enrolled in Indiana public schools through the establishment of the programs by school corporations. The state recognizes the need for and the desirability of the programs to:

- (1) aid students to reach their full academic level of achievement; and
- (2) preserve an awareness of cultural and linguistic heritage.

*As added by P.L.1-1989, SEC.39.*

## **IC 20-10.1-5.5-2**

### **Bilingual-bicultural services and programs**

Sec. 2. (a) The superintendent of public instruction shall carry out a bilingual-bicultural program for the improvement of educational opportunities for non-English dominant children by:

- (1) Supporting and planning pilot and demonstration projects which are designed to test and demonstrate the effectiveness of

programs for improving educational opportunities for non-English dominant children.

(2) Assisting in the establishment and operation of programs which are designed to stimulate:

(A) the provision of educational services not available to non-English dominant children in sufficient quantity or quality; and

(B) the development and establishment of exemplary programs to serve as models for regular school programs in which non-English dominant children are educated.

(3) Assisting in the establishment and operation of pre-service and in-service training programs for persons serving non-English dominant children as educational personnel.

(4) Encouraging the dissemination of information and materials relating to and the evaluation of the effectiveness of education programs which may offer educational opportunities to non-English dominant children. In the case of activities of the type described above, preference shall be given to the training of non-English dominant children, including innovative programs related to the educational needs of the non-English dominant children.

(b) The superintendent of public instruction is also authorized to assist and stimulate school corporations in developing and establishing bilingual-bicultural educational services and programs specifically designed to improve educational opportunities for non-English dominant children. These funds may be used:

(1) To provide educational services not available to such children in sufficient quantity or quality, including:

(A) remedial and compensatory instruction, psychological, and other services designed to assist and encourage non-English dominant children to enter, remain in, or re-enter elementary or secondary school;

(B) comprehensive academic and vocational instruction;

(C) instructional materials (such as library books, textbooks, and other printed or published or audio-visual materials) and equipment;

(D) comprehensive guidance, counseling, and testing services;

(E) special education programs for persons with disabilities;

(F) preschool programs; and

(G) other services which meet the purposes of this subsection.

(2) For the establishment and operation of exemplary and innovative educational programs and resource centers, involving new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for non-English dominant children.

*As added by Acts 1976, P.L.104, SEC.1. Amended by P.L.23-1993, SEC.117.*

### **IC 20-10.1-5.5-3**

#### **Placement of children in programs**

Sec. 3. Students whose dominant language is English shall be allowed to participate in the bilingual-bicultural program unless their participation will hinder the progress of the non-English dominant children.

Children enrolled in a program of bilingual-bicultural education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment, as determined after considering such attainment through the use of all necessary languages. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of bilingual-bicultural education shall seek to insure that each child is provided with instruction which is appropriate for his or her level of educational attainment. The ultimate objective shall be to place the bilingual-bicultural student in the regular course of study.

*As added by Acts 1976, P.L.104, SEC.1.*

### **IC 20-10.1-5.5-4**

#### **Notice of placement**

Sec. 4. Before placing a student in a bilingual-bicultural program, the governing body of the school corporation in which the student resides shall notify the student's parent of the placement. The notice shall be in English and the appropriate non-English language. The notice shall state the purposes, methods and content of the program and shall inform the parent of his right to:

- (1) visit the program; and
- (2) where the student is less than eighteen (18) years old, refuse his child's placement, or withdraw the child from the program.

*As added by Acts 1976, P.L.104, SEC.1.*

### **IC 20-10.1-5.5-5**

#### **Local and corporation advisory committees**

Sec. 5. (a) Before June 1 of each year, the principal of each school operating a bilingual-bicultural program shall appoint a local advisory committee composed of teachers of bilingual-bicultural instruction, counselors, community members, and parents of students enrolled or eligible for enrollment in the bilingual-bicultural program. A majority of the committee members shall be parents of students enrolled or eligible for enrollment in the bilingual-bicultural program. Before July 1 of each year, the governing body of each school corporation operating a bilingual-bicultural program shall select at least one (1) representative from each local advisory committee to serve on a corporation advisory committee. A majority of the committee members shall be parents of students enrolled or eligible for enrollment in the program. Members of the local and corporation advisory committees hold their positions for one (1) year periods.

(b) The local and corporation advisory committees shall

participate in planning, implementing, and evaluating the bilingual-bicultural programs. All bilingual-bicultural programs must be approved by the appropriate local advisory committee before implementation. If the advisory committee refuses to approve a program, the division shall arbitrate the dispute.

(c) All school corporations wishing to implement a bilingual-bicultural program shall apply to the superintendent of public instruction for such programs.

(d) All bilingual-bicultural programs must be approved by the state board of education in order to qualify for the distribution of state funds to school corporations for these programs.

*As added by Acts 1976, P.L.104, SEC.1. Amended by P.L.20-1984, SEC.114.*

#### **IC 20-10.1-5.5-6**

##### **Summer and preschool bilingual-bicultural courses**

Sec. 6. School corporations may establish full or part-time summer or preschool bilingual-bicultural courses, but they are not substitutes for bilingual-bicultural programs required during the normal school year.

*As added by Acts 1976, P.L.104, SEC.1.*

#### **IC 20-10.1-5.5-7**

##### **Duties of division**

Sec. 7. The division:

(1) shall aid school corporations in developing bilingual-bicultural programs by evaluating instructional materials, compiling material on the theory and practice of bilingual-bicultural instruction, encouraging innovative programs, and otherwise providing technical assistance to the corporations;

(2) shall aid school corporations in developing and administering in-service training programs for school administrators and personnel involved in bilingual-bicultural programs;

(3) shall monitor and evaluate bilingual-bicultural programs conducted by school corporations;

(4) shall make an annual report on the status of the bilingual-bicultural programs to the governor and the general assembly;

(5) shall establish bilingual-bicultural educational resource centers for the use of the school corporations; and

(6) may promulgate regulations to implement this chapter.

A report made under subdivision (4) to the general assembly must be in an electronic format under IC 5-14-6.

*As added by Acts 1976, P.L.104, SEC.1. Amended by P.L.2-1995, SEC.78; P.L.28-2004, SEC.151.*

#### **IC 20-10.1-5.5-8**

##### **Application by school corporation for funds; determination by**

**division; criteria**

Sec. 8. Each school corporation must make application to the division to receive funds under this chapter. The division director shall determine on a competitive basis, which bilingual-bicultural programs are to receive the funds under this chapter. The criteria are:

- (1) The extent to which the educational needs identified and addressed in the application for funds are for programs for areas having the greatest need in the state.
- (2) The extent to which educational needs are clearly identified and realistic objectives are carefully planned to meet them.
- (3) The extent to which the application sets forth quantifiable measurement of the success of the proposed program in providing children who speak a non-English dominant language with language skills necessary for their education.
- (4) The extent to which the application contains evidence that:
  - (A) the costs of program components are reasonable in relation to the expected benefits; and
  - (B) the proposed program will be coordinated with existing efforts; and
  - (C) all possible efforts are being made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed program.
- (5) The extent to which the application indicates that the personnel to be employed in the program possess qualifications relevant to the objectives of the program.

The division director may not award in excess of three hundred dollars (\$300) per pupil under this chapter.

*As added by Acts 1976, P.L.104, SEC.1.*

**IC 20-10.1-5.5-9****Length of funding**

Sec. 9. The bilingual-bicultural program of a school corporation may be funded for a minimum of five (5) years under this chapter.

*As added by Acts 1976, P.L.104, SEC.1.*